

CHAPTER 10

RESIGNATIONS, RETIREMENTS, INTERSERVICE TRANSFERS
AND VOLUNTARY TERMINATIONS

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CHAPTER 10

RESIGNATIONS, RETIREMENTS, INTERSERVICE TRANSFERS FROM NAVY, AND VOLUNTARY TERMINATIONS

10.0 INTRODUCTION

This chapter pertains to resignations, retirements, interservice transfers, voluntary release from active duty and voluntary termination of temporary officer appointments. Contained within are specific policies concerning active duty and inactive duty, regular and reserve officers. An Officer Separation Matrix is provided in Figure 10-1. Because of the essentially statutory nature of these matters, much less flexibility or exception is possible. It is essential that detailers, placement officers and administrative support personnel dealing with these matters clearly understand that each category of officers (for example, regular, reserve, temporary, warrants) has its own particular statutes governing release and continuation; hence, users are cautioned to be precise in their use of this section. It must further be noted that RELEASE policies fall into two broad categories; for example, INVOLUNTARY and VOLUNTARY. The latter category includes resignations, some retirements and Release from Active Duty (RAD).

10.1 RESIGNATIONS

1. POLICY. The policy of the Secretary of the Navy concerning the unqualified resignation of an officer of the Regular Navy and Naval Reserve on active duty is set forth in SECNAVINST 1920.6 (series). Naval Military Personnel Manual (MILPERSMAN) 1920-190 contains the format for resignation requests. MILPERSMAN 1920-200 provides the policies and procedures governing submission, approval, extension and withdrawal of unqualified resignations. Action on any resignation is governed by the needs of the service, including availability of a qualified relief. Favorable consideration is normally given to an officer who will have no active duty obligated service remaining on the requested resignation date and who has complied with submission procedures. Reasons for denial of an officer's resignation are outlined in MILPERSMAN 1920-200. The processing of unqualified resignations is the responsibility of NPC (PERS-834).

2. SUBMISSION PROCEDURES. Resignations will be submitted to reach NPC (PERS-834) at least nine months but no more than twelve months in advance of the desired detachment date. Officers shall submit their written resignation requests to their Commanding Officers in accordance with MILPERSMAN 1920-190. The Commanding Officers shall endorse the request and forward it to NPC, PERS-834. A copy will also be forwarded to the local PSD. The local PSD shall forward the request to NPC via the Diary Message Reporting System (DRMS) or via the Source Data System (SDS), and shall retain the copy of the written request in the officer's service record. If a resignation is delayed reaching NPC (PERS-834) through no fault of the officer concerned, a constructive receipt date (21 calendar days following the date of the officer's request) is assigned. A message is sent to each officer acknowledging receipt of the resignation by NPC. The acceptance of an officer's resignation may be deferred and withdrawal requests may be disapproved in order to maintain officer personnel strengths at the necessary levels. NPC may approve a resignation date that is later than the date requested by the officer in order to provide for orderly relief, to minimize gapping of the billet, or to complete processing of the request.

3. TIMING, APPROVAL, PROCESSING AND WITHDRAWAL

a. Officers of the regular Navy and Naval Reserve serving on active duty who submit their resignations may expect favorable action thereon, provided they have fulfilled the service requirements as set forth in SECNAVINST 1920.6 (series). The requirement for resignations to reach the NPC (PERS-834) at least nine months but no more than twelve months in advance of the desired detachment date is necessary to allow for proper detailing. Processing and mailing the resignation request normally requires approximately one to two months from receipt of the request in NPC. If the officer concerned requires separation orders more than three months prior to his or her detachment date, the officer shall inform PERS-834 in writing or by phone call after the resignation has been approved. In addition, a regular officer must request resignation or notification of intent to resign at least six months prior to the officer's Projected Rotation Date (PRD). Once NPC issues orders or notifies the officer that orders are being issued, the officer's resignation is normally withheld until the requirements contained in paragraph 4 below are met. This notification may be accomplished in person, by official letter, message or by telephone. Personal or telephonic notification must be followed up by official letter or message.

b. Within NPC, PERS-834 initiates the processing and maintains control of resignations of officers on active duty, and issues NPC orders for those recommended for approval in accordance with the recommendations as approved by CNPC for CNPC. PERS-834 maintains a database of all active duty resignations received, prepares staff sheets and routes the resignation request to the appropriate placement officer, assignment officer, assignment branch head, and division director for approval/disapproval recommendations. Should the recommendations and/or dates of detachment of the placement/assignment personnel differ, the PERS-4 assignment officer apprises the PERS-4 placement officer. Obligated service must be waived per this article (10.1 paragraph 8). Upon approval of the assignment division director, PERS-834F then has control of the officer for separation purposes.

(1) Upon receipt of a Resignation Withdrawal Request from PERS-834, the losing placement officer chops the request and forwards it to the appropriate assignment officer, assignment branch head, and division director. Upon approval of the withdrawal, PERS-4 placement and assignment officers effect modification in OASIS. PERS-834F will cancel any separation orders.

(2) Upon receipt of a Resignation Modification Request from PERS-834, the losing placement officer, appropriate assignment officer and the division director annotate and sign the case concerning the reconsideration of a resignation. Upon approval of the reconsideration, PERS-4 placement officer and assignment officer effect modifications in OASIS. PERS-834 maintains control of the officer for separation purposes.

4. WITHHOLDING APPROVAL OF RESIGNATION

a. Resignation approval may be withheld by NPC for the following reasons:

(1) Officer has not completed Minimum Tour for Separation (MTS) or Prescribed Tour Length (PTL) requirements as specified in chapter 3.

(2) Officer has not completed active duty obligation incurred through participation in accession, education, medical, or other training programs; through augmentation or lateral transfer/ redesignation between competitive categories; or has received incentive pay, continuation pay or bonuses.

(3) Regular officer has not submitted resignation requests in accordance with MILPERSMAN 1920-200 or USNR has not submitted resignation request in accordance with MILPERSMAN 1920, and who are issued orders or are notified of NPC intent to issue orders within six months of the first day of their projected rotation dates. These officers are obligated to execute those orders. NPC intent to issue orders may be accomplished in person, by official letter, message or telephone. Verbal notification must be followed-up by official letter or message.

b. Officers who have submitted Letters of Intent to resign 6 months prior to their PRDs, in accordance with MILPERSMAN 1920-200 will normally not be forced to accept orders that will keep the officer on active duty beyond his or her desires.

5. MINIMUM ACTIVE DUTY SERVICE REQUIREMENT (MSR). Officers of the regular Navy and Naval Reserve incur a minimum required active duty service obligation which is specified in the directive which describes the commissioning source program or in the service agreement executed by the officer. Additional service obligations incurred by schooling are outlined in Chapters 5, 7, and 8 of this manual. The requirements pertain regardless of whether the member's participation in the accession, education, medical, or other program is for duty, temporary duty or temporary additional duty.

a. Officers of the Regular Navy and Naval Reserve incur a minimum required active duty service obligation as specified in the applicable directive describing the program through which the officer obtained his or her commission, or as specified in the service agreement executed by the officer. Additional service obligations incurred by schooling are outlined in Chapters 6 and 7 of this manual. The ultimate responsibility for determining obligated service rests with the officer's detailer.

b. Requests for resignation which are to become effective at the completion of the period of minimum required active duty service must be submitted in time to be received by NPC in accordance with the provisions of paragraph 3 above.

c. Officers Within MSR. Officers wishing to resign at the completion of their minimum active duty service requirement (MSR) must notify NPC (PERS-834) by official letter of the intent to resign at the end of the service obligation. This letter of intent must reach NPC (PERS-834) no less than six months prior to the first day of the month of an officer's PRD. The officer must also submit the actual resignation request within the time frame specified in this article (10.1 paragraph 2).

6. MILITARY SERVICE OBLIGATIONS (MSO). FY-84 Department of Defense Authorization Act authorized the Secretary of Defense to increase Military Service Obligation (MSO) from six to eight years for all persons entering military service. Any part of such service that is not active duty or that is active duty for training shall be performed in a reserve component. The purpose of this legislation is to increase pre-trained manpower in Individual

Ready Reserve and Inactive National Guard to levels needed for wartime requirements. (MSO should not be confused with active-duty obligation.) All officers submitting voluntary resignations are considered for an appointment in the Naval Reserve if their total eight year Universal Military Training and Service (UMT&S) obligation has not been completed as prescribed in SECNAVINST 1920.6 (series). Officers 26 years of age or less who entered the service after passage of this act are normally required to complete eight years of military service obligation.

7. REQUEST FOR APPOINTMENT IN THE NAVAL RESERVE. All officer voluntary resignations are contingent upon an appointment in the Naval Reserve if their total eight year Universal Military Training and Service (UMT&S) obligation is not completed. In addition to processing the resignation, NPC (PERS-834) also processes a regular Navy officer's request for appointment in the Naval Reserve if the officer is beyond this statutory service obligation. Reserve appointment requests are staffed concurrently with a resignation through the placement officer, assignment officer, assignment branch head, and division director when applicable. A reserve appointment is offered based on a review of the officer's performance and experience on active duty, as well as the need for the officer's skill in grade and competitive category within the Naval Reserve. If the appointment is offered, the appointment is forwarded to the separation activity by separate cover and after orders are issued. Officers who have completed their Military Service Obligation (MSO) may accept or decline the appointment.

For those officers who have not completed their MSO, the resignation is accepted contingent upon appointment in the Naval Reserve, if the appointment is offered by NPC. Separation orders reflect that an appointment in the Naval Reserve is required. Should the officer decline the appointment, separation processing discontinues. Officers who resign, contingent upon acceptance of a reserve commission, must execute the appointment at separation processing. The appointment may be predated and presigned if necessary. If the appointment has not been received at the separation activity, a copy can be obtained. Contact NPC (PERS-803) or COMNAVCRUITCOM (Code 13) for a copy of the appointment.

8. WAIVERS OF SERVICE OBLIGATION (RESIGNATIONS/RETIREMENTS)

a. Final approval of requests for voluntary resignation/retirement rests with the Secretary of the Navy. Authority for final review of resignations has been delegated to CNPC.

b. All resignations requiring waivers of active duty obligated service are routed to PERS-4.

c. Waivers of Service in Grade (SIG) or Time in Grade (TIG) will be routed through PERS-4 for final review/approval within NPC.

9. SECNAV INTEREST. SECNAV has directed that resignations of the following types be referred to him/her:

a. Those which merit disapproval in which there has been congressional interest of other than routine nature.

b. Unusual or controversial cases, such as one involving an officer holding a key billet in a high priority program or one in which there is an element of doubt as to an officer's service obligation.

10. APPROVALS. Unless impracticable, a message or status letter is sent to the officer informing him/her of the action recommended by action officers and approved by CNPC. Except for those resignations under the cognizance of PERS-8, PERS-834 issues separation orders three months prior to the approved separation date.

11. DISAPPROVALS. The Chief of Naval Personnel has delegated authority to PERS-4 to determine which resignations meet the criteria for approval. Only those resignations meeting these criteria or recommended exceptions are forwarded to CNPC. PERS-834 replies by letter to resignations which are disapproved by PERS-4 and not forwarded to CNPC and includes the reasons for this action.

12. WITHDRAWAL OF RESIGNATIONS. A resignation has no effect until it has been accepted by CNPC on behalf of the Secretary of the Navy, but, once accepted, any subsequent withdrawal request may be rejected. On receipt of an officer's withdrawal request, the CO will notify PERS-834 by message in order that the resignation processing may be held in abeyance. The letter request, which is forwarded by endorsement within 10 days of the message notification, is sent to PERS-834 for consideration and processing.

13. CANCELLATION. From time-to-time, the resignation of an officer may be canceled prior to completion of separation processing. This action is normally based on the recommendation of the resignation staff. A recommendation for approval of the cancellation of existing orders without a request for withdrawal of the resignation from the officer normally is made in the following instances:

a. If the officer concerned is in a grade or code category in which officers are being involuntarily recalled to active duty; or

b. If the officer's services are urgently required.

14. MODIFICATION OR CORRECTION OF RESIGNATION ORDERS. PERS-4 may modify or correct an order accepting an officer's resignation to the extent of changes and corrections in detachment date, transportation, point of separation and other minor changes and administrative matters. Recommended changes concerning an officer's resignation must be coordinated through PERS-834.

15. RESIGNATION OF OFFICERS ON INACTIVE DUTY. The Naval Reserve Personnel Center, New Orleans, LA (NRPC NOLA) is responsible for processing, controlling and issuing appropriate orders accepting the resignations of Naval reserve officers on inactive duty.

16. GUIDELINES IN COMPLETING RESIGNATION STAFFING. The following guidelines are adhered to by the applicable detailer when completing resignation staffing:

a. Resignation should be held to the nine month time frame but will still be staffed and processed if received within the nine month window.

b. If a resignation is being approved for a different month than requested, provide the reason.

c. Provide the number of dependents, PRD, and date reported on board

current duty station.

d. Provide promotion information and dates of rank if required. Also verify Active Commissioning Base Date (ACBD), home of record, and place of entry.

e. Provide active duty obligation date (MSR, augmentation, redesignation, PG School, Department Head School or bonus and include waiver form if required).

f. Provide MTS/PTL date.

g. Make recommendation on Reserve Appointment whether or not constituent requests it.

h. If an officer's resignation is approved and that officer has PCS orders pending, initiate cancellation of those orders. They must be out of the system by the time resignation orders go to orderwriting.

i. If a resignation case is being turned over to PERS-82 for processing, return the letter of request to PERS-834 with a note attached. PERS-834 provides PERS-82 with a copy of the request.

j. If an officer desires to withdraw a resignation request, return the case to PERS-834 with a note attached.

10.2 RETIREMENTS

1. VOLUNTARY RETIREMENT OF REGULAR OFFICERS. MILPERSMAN is the basic directive on retirement of regular and reserve personnel. The processing of all retirements is the responsibility of NPC (PERS-8). The Disability Evaluation Manual (SECNAVINST 1850.4) establishes rules and regulations applicable to the Navy Disability Evaluation System. SECNAVINST 1811.3 (series) sets forth policy concerning retirement of commissioned officers with 20 or more years active service and enlisted personnel with 30 or more years of active service. Requests for retirements from members with 20 or more years of active service are considered on the basis of the overall needs of the service and the merits of the individual case.

2. Favorable consideration for retirement normally is given to members whose cases are covered by one or more of the following criteria:

a. Flag officers - on a basis of service needs and the merits of the individual case.

b. CAPTs - 10 USC 1370, amended, permits the Secretary of the Navy to reduce the normal three year requirement to two years during a nine-year period beginning 1 October 1990. (This statute can be further amended to reduce the nine-year period). Captains can normally expect to remain on active duty until 30 years service.

c. Officers who have twice Failed Of Selection (FOS) for promotion, if otherwise eligible.

d. Individuals whose assignability is limited or who have a humanitarian hardship or whose continued service is not, due to conditions beyond their control, clearly consistent with the interests of national

security.

3. WITHHOLDING APPROVAL OF VOLUNTARY RETIREMENTS. The Secretary of the Navy is the final approval authority for retirements. However, NPC may withhold approval of a retirement request for the following reasons:

a. Officer has not completed MTS or PTL requirements as specified in article 10.1, paragraph 8.

b. Officer has not completed active duty obligated service incurred through participation in accession, education, medical, or other training programs; through augmentation or lateral transfer/redesignation between competitive categories; or has received incentive pay, continuation pay, or bonuses. Retirements which require waivers of active duty obligated service utilize the procedures in article 10.1, paragraph 8.

c. Officer has not submitted retirement request and is issued orders or is notified by NPC of the intent to issue orders within six months of the first day of his/her projected rotation dates. NPC intent to issue orders may be accomplished by official letter, message or telephone. Verbal notification must be followed up by official letter or message.

4. APPROVAL AUTHORITY FOR RETIREMENT. Upon receipt of a request for voluntary retirement, PERS-82 staffs the request via the individual's placement officer and the cognizant assignment officer for approval. These requests for retirement are reviewed and approved by the cognizant distribution division director. Retirement requests which involve exceptions to the policy set forth in SECNAVINST 1811.3 (series) are forwarded to PERS-4 for final decision.

5. TIMING OF REQUESTS FOR VOLUNTARY RETIREMENT. Final approval of requests for retirement rests with SECNAV. A request for retirement prior to the completion of the minimum tour for separation (normally two years) on board the officer's current CONUS duty station or the completion of an overseas tour is not normally approved. (Alaska and Hawaii are considered overseas tours.) If an officer is notified of an intent to issue PCS orders or is in receipt of PCS orders within six months of his/her PRD, that officer is obligated to serve for the period noted above. If the officer is so notified or is in receipt of orders in advance of six months prior to the PRD, that officer may request voluntary retirement to be effective any time up to and including his/her PRD. Notification of the intent to issue orders may be by any means (i.e., phone call, correspondence, personal contact). Telephone or personal notification must be followed up by official letter or message. If a timely relief cannot be ordered in prior to the officer's requested date, the effective date of retirement can be delayed up to nine months from the time the request is received in NPC.

6. MODIFICATION OF VOLUNTARY RETIREMENT REQUESTS

a. CANCELLATION. Voluntary retirement requests, once approved by the Secretary of the Navy, become an administrative finality. An officer who desires to cancel a voluntary retirement may submit a request to the Secretary of the Navy via the chain of command for consideration. Approval of cancellations is based solely on the needs of the Naval Service and the merits of the individual's case. A request for cancellation of a member's voluntary retirement prior to final approval by the Secretary of the Navy may be approved. Requests for changes of effective date of retirement are

considered on a case-by-case basis and the needs of the Naval Service.

b. Extension on Active Duty of Officers with SECNAV Approved Retirements. (See article 10.8.)

7. STATUTORY AGE RETIREMENT FOR REGULAR OFFICERS. Each regular commissioned officer, other than a commissioned warrant officer, shall be retired on the first day of the month following the month in which he/she becomes 62 years of age. A permanent regular warrant officer shall be retired 60 days after attaining age 62. The President may defer the retirement of an officer in a grade above rear admiral, but not later than the first day of the month following the month in which the officer becomes age 64. Not more than ten deferments of retirement may be in effect at any one time.

8. STATUTORY SERVICE RETIREMENT FOR REGULAR OFFICERS. Briefly, and with certain exceptions, an officer holding permanent appointment in the grade of LCDR or above who has twice failed of selection to the next higher grade must be retired upon completion of a certain number of years commissioned service, as follows: (1) Pre-Defense Officer Personnel Management Act (DOPMA), CAPT (unrestricted line and staff corps) - 30 years total commissioned service (YTCS); CAPT (restricted line) - 31 YTCS; CDR - 26 YTCS; LCDR - 20 years (except LDOs) YTCS; LDOs - 30 years of active service, (2) DOPMA, CAPT - 30 years active commissioned service (YACS); CDR - 28 YACS; LCDR - continued until retirement eligible as per applicable fiscal year continuation plan; LDO LCDRs and below - 30 years active service; LDO CAPT and CDRs same as DOPMA Line. Warrant officers are governed by other laws - refer to MILPERSMAN article 1920-230 for details.

9. PHYSICAL DISABILITY RETIREMENT FOR REGULAR OFFICERS

a. Officers serving on active duty may be retired, either temporarily or permanently, upon a determination by the Secretary of the Navy that:

(1) The officer is unfit to perform the duties of office, rank, or grade by reason of physical disability incurred while entitled to receive basic pay.

(2) Disability is not due to intentional misconduct or willful neglect of such officer and was not incurred during a period of unauthorized absence of such officer.

(3) Disability is 30 percent or more in accordance with the standard schedule of rating disabilities in current use by the Veteran's Administration. Members who have twenty or more years of active service may qualify if their disabilities are less in accordance with such standard schedule.

(4) Disability was the proximate result of performance of active duty. (If member has over eight years of active service, this provision is not a determining factor.)

b. Members of the temporary disability retired list receive a minimum of 50 percent of their basic pay. They are required to undergo periodic physical examination no less frequently than every eighteen months for a period not to exceed five years. Dependent upon the findings of any

such physical examination, a member may be retained on the temporary disability retired list, permanently retired, separated from the service with severance pay, or if a member of the regular Navy and found fit for duty, may be returned to duty subject to his/her consent, and if a member of the Naval Reserve and found fit for duty shall, subject to his/her consent, be reappointed in his/her reserve component. If found fit for duty and member does not consent to be returned to duty, his/her status as a member of the TDRL and his/her retirement pay is terminated.

c. Physical disability retirements, by law, may be effected on the date such retirement is approved, or on any subsequent date up to and including 20 days after SECNAV approval. These 20 days may only be extended by an exceptional circumstance inducing a hardship on an individual. Waiver requests are reviewed by NPC.

d. In no case does the disability retirement pay of a member exceed 75 percent of the basic pay. The disability retirement pay of any member of the TDRL may not be less than 50 percent of the appropriate basic pay ("HIGH 3" average for members first entering service on or after 8 September 1986) so long as he/she is on the TDRL, but no longer than five years from date of temporary retirement. If a determination is not made to a member's final status before five years, his or her pay is terminated.

10. DEFENSE OFFICER PERSONNEL MANAGEMENT ACT TRANSITION PROVISIONS

a. This article applies to pre-DOPMA officers. Pre-DOPMA officers are defined as: Regular officers above the grade of CWO4 whose dates of rank are prior to 15 September 1981, other than those designated for limited duty (Transition Provision of the Defense Officer Personnel Management Act (DOPMA)). (See article 10.10, paragraph 2.)

b. LCDRs, CDRs and CAPTs shall be retired on the date provided under the laws in effect on 14 September 1981.

c. Male Lieutenants and Lieutenants Junior Grade (except Nurse Corps officers). There is no transition provision for these officers.

d. PRE-DOPMA WOMEN LIEUTENANTS. Pre-DOPMA women Lieutenants, subject to discharge after twice failing of selection may, under a DOPMA transition provision, request to remain on active duty until 30 June of the fiscal year in which they complete 13 years of active commissioned service.

11. CONTINUATION OF REGULAR OFFICERS

a. Under prescribed regulations and whenever the needs of the service require, the Secretary of the Navy may, with member's consent, continue an officer on active duty beyond his or her involuntary separation/retirement date, but not beyond the first day of the month following the month in which the officer reaches age 62. Officers declining continuation are separated/retired under current guidelines.

b. Officers who are offered continuation by the continuation board must either accept the full continuation period offered or decline continuation. Those who decline continuation are eligible for separation pay.

c. Officers who accept continuation and then submit their desire to

be separated prior to their continuation date or who request resignation, are considered voluntary resignations and are not eligible for separation pay.

d. For clarification of Pre-DOPMA and DOPMA laws see article 10.10, paragraph 2. Placement and assignment officers refer all inquiries on continuation of these individuals to PERS-813. In no case are commitments made to these officers prior to the results of the continuation board being approved by the Secretary of the Navy. PERS-8 is responsible for notifying these officers of their continuation status. PERS-82 is responsible for the preparation of appropriate retirement orders. The following guidelines apply:

<u>Grade</u>	<u>Normal Maximum Length of Service</u>	<u>Continuation Provisions (Note 1)</u>
CAPT	30 YACS (up to age 62) (DOPMA)	No continuation beyond 30 years active commissioned service
	30 YTCS (Pre-DOPMA)	None
CDR	28 YACS (DOPMA)	No continuation beyond 28 years active commissioned service
	26 YTCS (Pre-DOPMA)	None
LCDR	2 x FOS (DOPMA)	No continuation beyond 20 years total active service
	20 yrs (Pre-DOPMA)	None
LT	2 x FOS	Nurse Corps officers only, continued incrementally
LTJG	2 x FOS	No continuation

12. CONTINUATION OF PERMANENT WARRANT OFFICERS ON ACTIVE DUTY. Requests from permanent warrant officers for continuation on active duty beyond their 30-year statutory retirement date are referred to PERS-8 for processing in accordance with the following administrative procedures:

a. PERS-8 maintains a record (projected at least 2 years ahead) of permanent warrant officers completing 30 years of active service. If requests for extension are not received, PERS-8 proceeds with normal retirement procedures. PERS-8 provides lists of such officers completing 30 years service to appropriate assignment/placement officers for planning purposes.

b. All requests from permanent warrant officers (XXX1) for continuation on active duty beyond completion of 30 years active service are delivered to PERS-8.

c. It is the normal procedure for the Permanent Warrant Officer Continuation Board to recommend disapproval of requests for continuation beyond 30 years of service except in cases involving:

- (1) Dire personal hardship.
- (2) Critical service need.
- (3) Need for particular qualifications of unusual nature.

d. In no case is continuation recommended beyond the statutory permanent warrant officer retirement age of 62.

13. INVOLUNTARY RETIREMENTS OF REGULAR OFFICERS:

a. The date a regular officer is involuntarily retired is determined by grade, number of failure-of-selections (FOSs) and whether that person is a pre-DOPMA or DOPMA officer.

b. Regular Pre-DOPMA CAPTs, CDRs and LCDRs are involuntarily retired based on TOTAL commissioned service. Total commissioned service includes all regular and reserve commissions (whether active or inactive duty). Therefore, if a regular officer has broken service and maintained a reserve commission while not on active duty, that time is included in computing total commissioned service.

c. There are some regular Pre-DOPMA LCDRs who are retired involuntarily with less than 20 years of active duty but have at least 20 years of TOTAL (regular and reserve) commissioned service (or constructive credit toward that amount of service under U.S. law). Likewise, some Pre-DOPMA regular CAPTs and CDRs may also be involuntarily retired prior to reaching their respective 26 and 30 years active service mark if they had broken service and maintained a reserve commission.

d. DOPMA regular LCDRs are separated, continued or voluntarily retired depending upon their years of active service after they have twice FOS to CDR. DOPMA regular CAPTs and CDRs are involuntarily retired after 30 and 28 years of active commissioned service, respectively.

e. This chart provides a comparison for regular officer involuntary retirements:

<u>GRADE</u>	<u>Pre-DOPMA</u>	<u>DOPMA</u>
LCDR	Twice FOS	
	Must retire on 1 July following completion of 20 years total commissioned service.	Less than 14 years active service continued at 2 year increments 14 + years active service - shall be continued at least until eligible for retirement. Continuation may not exceed 24 years or age 62, whichever occurs earlier.
CDR	Twice FOS	
	Must retire on 1 July following completion of 28 years active	FOS not a factor
		Must retire on 1st of month following completion of commissioned service.

26 years total commissioned service.

CAPT Twice FOS

FOS not a factor

Must retire on 1 July following completion of 30 years total commissioned service.

Must retire on 1st of month following completion of 30 years active commissioned service.

CAPT Restricted line and JAGC - FOS not a factor.

Must retire on 1 July following completion of 31 years total commissioned service.

Note: DOPMA CAPT/CDR laws pertain to CAPT/CDR LDOs.

LDO (LCDR and below): Must retire on the 1st of the month following completion of 30 years active duty plus 30 days (unless sooner involuntarily retired due to FOS).

CWO: Must retire on the 1st of the month following completion of 30 years active duty plus 60 days (unless sooner involuntarily retired due to FOS to permanent CWO grade).

AGE: Involuntarily retired on the 1st of the month after reaching age 62.

NOTE: (1) All involuntary retirements are accomplished automatically with the exception of DOPMA LCDRs. Orders are issued only after report out of any respective promotion board. Member may request voluntary retirement to avoid delay in receiving orders.

(2) Involuntary retirement and computation of TOTAL commissioned service are matters of U.S. law and can not be waived or altered by NPC.

14. INVOLUNTARY RETIREMENT AS A RESULT OF SELECTION BOARD ACTION:

a. In order that the disposition of officers subject to involuntary retirement or separation is coordinated between cognizant divisions and to ensure that appropriate action is taken on each individual officer affected, PERS-8 makes the following memorandum report to PERS-4, with distribution as indicated below. The report is made following approval of each statutory selection board and includes the date the proceedings of the board are approved, a double-spaced alphabetical listing of all officers affected and reference to the provision of law which requires retirement, discharge, or other action. Separate listings are prepared for the various categories of officers, (i.e., regular officers, temporary officers, reserve officers, etc).

REPORT

Within 30 days after approval of each statutory selection board:

DISTRIBUTION

N-130 (2)
N-131

listing of those officers who	PERS-3
are subject to involuntary	PERS-4
retirement, honorable discharge,	PERS-41 (4)
reversion to other status or	PERS-42 (3)
release from active duty. The	PERS-43 (33)
listings for USN officers shall	PERS-44 (20)
include the "service dates" as	PERS-45
defined in 10 USC Sections 6387	PERS-8
and 6388	

b. PERS-8 notifies all permanent USN officers who are subject to involuntary retirement, including limited duty officers with the option of reverting to warrant officer status.

c. Division directors make distribution within their respective divisions.

15. RETIREMENT OF TEMPORARY OFFICERS.

a. LIMITED DUTY OFFICERS. Limited Duty Officers (LDOs) who hold a permanent enlisted grade (designator ending in "2") and LDOs with permanent officer status (designator ending in "0") are eligible for voluntary retirement upon completion of over 20 years active service, at least ten of which have been commissioned service (chief warrant officer, W-2 or above). The ten years commissioned service required by stature has been modified through 1 October 1999, whereby the officer can now retire with eight vice ten years of commissioned service. Any warrant or commissioned warrant officer may, under 10 USC 1293, be retired upon completion of twenty years of active service. This includes temporary LDOs with permanent warrant officer status. LDOs retiring under the foregoing law are advanced immediately on the retired list to the highest grade satisfactorily held for not less than six months to satisfy requirements of 10 U.S.C. 1370.

b. TEMPORARY OFFICERS. MILPERSMAN 1100-060 contains the administrative policy for retirement/reversion of temporary officers. It specifies that temporary officers in the grades of ensign and above, whose permanent status is warrant or enlisted grade, if twice FOS for temporary promotion to the next higher grade, unless the needs of the service otherwise require, shall, if eligible for retirement in accordance with the provisions of 10 U.S.C.A 6323, be afforded the option of retirement in the grade held or reversion to their permanent status to be effected not later than the first day of the seventh calendar month in which the President approves the selection board report in which they fail of selection the second time. This option is available only as the needs of the Navy dictate. PERS-813 is responsible for processing appropriate letters of notification.

c. TEMPORARY WARRANT OFFICERS (PERMANENT ENLISTED STATUS). Since no statutory provisions exist requiring the disposition of temporary warrant officers whose status is enlisted, the practice since 1954 has been to apply the provisions of law covering permanent warrant officers to temporary warrant officers who have twice FOS for promotion. In general, present policy provides that such officers with more than twenty years of active service be retired or reverted to their permanent enlisted status not later than 7 months after the date SECNAV approves the report of the selection board (pre-DOPMA only). PERS-813 prepares appropriate letters of notification.

d. APPLICATION OF STATUTORY LAW TO TEMPORARY OFFICERS. Although temporary officers and temporary warrant officers are not affected by the law governing retirement for statutory age and statutory service, the practice has been to apply the provisions of law applicable to permanently commissioned officers of the regular Navy. These provisions of law, as well as those relative to physical disability retirement, are discussed in article 10.2, paragraphs 7 through 9.

16. CONTINUATION OF TEMPORARY WARRANT OFFICERS ON ACTIVE DUTY. Requests received from temporary warrant officers for retention on active duty in present grade are sent to PERS-813.

17. VOLUNTARY RETIREMENT OF RESERVE OFFICERS. Regulations governing retirement of reserve officers are set forth in SECNAVINST 1820.2B and BUPERSINST 1001.39D. The following policies apply:

a. NON-DISABILITY VOLUNTARY RETIREMENT. In general, officers and warrant officers of the Naval Reserve may be retired with pay at any time upon their own application after 20 years of active service in the armed forces, or upon their application after completing 20 years of satisfactory federal service and reaching age 60. Final approval of voluntary requests for retirement rests with SECNAV. Such requests are handled by NPC (PERS-82) or NAVRESPERS-CEN (Code-25) NOLA if the member is on inactive duty. Officers who qualify for reserve retirement at age 60 should request transfer to the Retired Reserve (without pay) upon completion of active/inactive service. A request for transfer to the Naval Reserve Retired List (with pay) should be submitted nine months prior to 60th birthday.

b. VOLUNTARY RETIREMENT FOLLOWING INVOLUNTARY RELEASE FROM ACTIVE DUTY. Voluntary retirement of reserve officers is sometimes precipitated by their involuntary release from active duty (RAD). See article 10.7 of this chapter.

18. PHYSICAL DISABILITY RETIREMENT FOR RESERVE OFFICERS. MILPERSMAN 1850-020 contains the basic regulations relative to retirement as a result of physical disability. This reference is applicable to regular and reserve officers alike.

19. RETENTION OF RESERVE OFFICERS ON ACTIVE DUTY WHO ARE SUBJECT TO STATUTORY RELEASE FROM ACTIVE DUTY

a. RESERVE OFFICERS WITHIN TWO YEARS OF QUALIFYING FOR RETIREMENT. Pursuant to 10 USC 12686, reserve officers on active duty, exclusive of temporary active duty or active duty for training, who are within two years of qualifying for retirement with pay under any purely military retirement system, are not involuntarily released from active duty before qualifying for such pay unless their release is approved by the Secretary of the Navy. Retirement under 10 USC 12731 has been held by the Comptroller General of the United States to be under a "purely military retirement system."

b. OFFICERS REQUESTING RETENTION

(1) Officers on board on 30 September count against end strength. To project officer end strength accurately, N131 must be aware of changes in the status of officers leaving active duty. N131 must review any request to change a previously approved retirement, resignation, or release from active duty date when such a change extends an officer on active duty to 30

September or beyond.

(2) Officers subject to release under MILPERSMAN 1920-110 may request retention on active duty in accordance with MILPERSMAN 1920-110. Such requests are sent to PERS-834 for reference to the Retention Board. The decision is transmitted to the officer or command concerned by appropriate communication by PERS-834.

c. PROCESSING OF REQUESTS FOR RETENTION/CONTINUATION. All retention review cases requiring staffing within PERS-4 shall be routed from PERS-834 to the cognizant division director via PERS-4S. Staffing packages shall be assigned a document control number (tasker) and will include the date due back to PERS-4 for chop prior to submission to PERS-834 (normally two weeks). Staffing of retention packages is the responsibility of the parent community regardless of required placement actions. Completed staffing sheets must include, as a minimum, the following information:

(1) Billet (including BSC) in which the officer will be retained or assigned.

(2) CO's desires or recommendation.

(3) Performance of the officer.

(4) If the officer is not approved for continuation, the approximate date that the billet will be filled. (NOTE: Difficulty in identifying an officer's relief does not in itself constitute sufficient justification to retain that officer in a retired status.)

(5) For officers whose retention is recommended, staffing sheets must include the unique skills and qualifications of the officer which warrant his/her continuation.

d. TAR OFFICER CONTINUATION OR EXTENSION (CAPTs)

(1) Requests from non-continued URL TAR CAPTs for extensions on active duty are only considered for approval when such an extension is necessary to meet a critical shortage in a regular Navy subspecialty billet. This policy is necessary to ensure equality to all CAPTs in the TAR community.

(2) Officers who are offered continuation by the Continuation Board must either accept the full continuation period offered or decline continuation. Those who decline continuation are eligible for separation pay.

(3) Officers who accept continuation and then submit their desire to be separated prior to their continuation dates or who request resignation, are considered as voluntary resignations and are not eligible for separation pay.

e. NOTIFICATION OF CONTINUATION ON ACTIVE DUTY

(1) Reserve officers approved for continuation are notified by official letter prepared by PERS-834 as early as possible after Continuation Board action is completed.

(2) Officers who are offered continuation by the Continuation Board must either accept the full continuation period offered or decline continuation. Those who decline continuation are eligible for separation pay.

(3) Officers who accept continuation and then submit their desire to be separated prior to their continuation dates or who request resignation, are considered as a voluntary resignation and are not eligible for separation pay.

20. OFFICERS ON THE TEMPORARY DISABILITY RETIRED LIST (TDRL) FOUND PHYSICALLY FIT OR UNFIT

a. In accordance with the provisions of 10 USC 1211, officers found physically fit remain on the TDRL and continue to draw retired pay until reappointed, separated or until they have reported to active duty. If their names are not sooner removed, the disability retired pay of members whose names are on the TDRL terminates five years after the date their names are initially placed on the list. The law also requires that their TDRL status and retirement pay be terminated "as soon as practicable" after being found physically fit.

b. Considering the foregoing and other factors, the following procedures apply for processing officers on the TDRL who are found physically fit to perform the duties of their office and grade:

(1) PERS-821 receives the names of USN/USNR officers on the TDRL from the Central Physical Evaluation Board who have been found physically fit to perform the duties of their office and grade.

(2) PERS-821 draws the officer's record and refers the case with a brief sheet to PERS-82/community sponsor/division director/PERS-8 for a recommendation as to the member's eligibility for reappointment and requests by memo Pers-82 to perform a routine check for any pending disciplinary actions.

(3) Pers-821 then notifies him/her by letter that he/she has been found physically fit to perform the duties of his/her office and grade and:

(a) Solicits his/her desires as to whether he/she does or does not consent to being ordered to active duty and to being reappointed in the United States Navy or Naval Reserve as soon thereafter as practicable, or to voluntarily retire if eligible;

(b) If the officer has more than twenty years active service, or is otherwise eligible for a non-disability retirement, he/she is also made aware of this fact and informed of the procedures necessary to request a voluntary retirement;

(c) If it is determined that the officer was on active duty beyond his/her initial obligation and was not scheduled for release from active duty at the time he/she was placed on the TDRL, the letter advises him/her that, if he/she accepts reappointment, he/she may return to active

duty provided he/she requests it within 60 days of receipt of the initial letter;

(d) If the member is a reserve officer who has not completed his/her initial active duty obligation or was not scheduled for release from active duty, he/she is so informed and told that he/she will be reappointed in the Naval Reserve on inactive duty; and, if the reserve officer is eligible for a non-disability retirement with pay, he/she is so informed and the procedures necessary for requesting retirement are explained.

(4) Depending upon the officer's reply or lack of reply, PERS-821 takes one of the following actions:

(a) If a negative reply is received from a USN officer or a USNR officer tenders his/her resignation, PERS-834/NRPC-3211 is notified and requested to effect the officer's separation. Copies of the separation document are sent to PERS-821/NRPC-3211 and to the Commander, Navy Finance Center, Cleveland, Ohio. If no reply is received within 35 days from the date of the notification letter, PERS-834/NRPC-3211 is requested to effect the separation (the thirty five-day grace period recognizes the time involved between mailing a reply and receipt in PERS-821). Copies of the separation documents are sent to PERS-821/NRPC-3211 and to the Commander, Navy Finance Center, Cleveland, Ohio.

(b) Expeditious liaison is conducted with the Navy Finance Center, Cleveland to terminate the reserve officer's pay no later than the 30-day limit referenced in the notification letter and on the date of separation in the case of the regular officer.

(c) If an affirmative reply is received from a USN officer, the officer's detailer is requested to order the officer to temporary active duty pending reappointment, and the Commander, Navy Recruiting Command is notified and requested to prepare the reappointment.

(d) If an affirmative reply is received from a reserve officer, the reply and record are staffed by PERS-834 in accordance with the procedures in article 11.1 to determine whether the officer meets requirements for recall to active duty.

(5) The following actions are then be taken by the applicable detailer and the Navy Recruiting Command:

(a) The orders from the detailer are mailed directly to the officer concerned with a copy to the prospective CO and Commander, Navy Recruiting Command.

(b) The Commander, Navy Recruiting Command prepares the reappointment and mails it to the regular officer's CO or to the closest naval command to the reserve officer's home.

(c) Commander, Navy Recruiting Command notifies the officer's detailer when the officer has accepted reappointment. The officer's detailer then notifies the appropriate grade/staff corps liaison desk of the officer's availability for reassignment.

(6) In cases where a USNR officer is being recalled to active duty, the assignment officer insures that an agreement to remain on active

duty until completion of his/her initial obligated service or two years, whichever is the greater, is included in the orders. If the officer was designated a TAR when placed on the TDRL, redesignation as a TAR is included in the recall orders.

(7) In some instances, the officer requests information concerning such items as date of rank, promotional opportunities, prospective duty assignment, etc. The responsibility for coordinating the reply to these multiple subject inquiries is assigned to PERS-821.

10.3 INTERSERVICE TRANSFERS OF NAVAL OFFICERS TO OTHER SERVICES

1. OFFICERS ON ACTIVE DUTY. Policy for interservice transfer of Naval officers on active duty to other services is set forth in the MILPERSMAN 1300-080.

a. Requests for interservice transfer for regular and reserve naval officers on active duty are processed in accordance with DoD Directive 1300.4 and SECNAVINST 1000.7 (series).

b. Requests for interservice transfer to other services from naval officers on active duty are to be delivered to PERS-834. The requests are reviewed as resignation requests because the requests involve submission of contingent resignations. Disposition on completion of processing is determined by categories as indicated below:

c. Requests for interservice transfer for regular and reserve officers (MC, DC, MSC, and NC) are processed in accordance with DoD Directive 1205.1.

d. Upon return of such requests to NPC, PERS-834 proceeds as follows:

(1) If both services approve the request, PERS-834 coordinates the receipt of necessary appointments and orders to duty in the gaining service and PERS-455D prepares the orders to effect the transfer.

(2) If request is disapproved, PERS-834 prepares a letter of notification to the individual.

2. OFFICERS ON INACTIVE DUTY. The Naval Reserve Personnel Center, New Orleans, LA (NRPC NOLA) is responsible for the processing of all requests for interservice transfer from officers on inactive duty.

10.4 INTERSERVICE TRANSFER OF OFFICERS OF OTHER SERVICES TO THE NAVY

NPC (PERS-80) is responsible for processing and coordinating all Navy actions necessary for interservice transfer to the Navy of active duty interservice transfers. NPC (PERS-912) is responsible for all inactive duty interservice transfers. (See Chapter 9, article 9.3.)

10.5 VOLUNTARY TERMINATION OF TEMPORARY OFFICER APPOINTMENTS

1. SECNAVINST 1920.5 (series) contains the policy and criteria for the voluntary termination of temporary officer appointments. Action on any request for termination of temporary appointment submitted in accordance with the above provisions is governed by the needs of the service, including

availability of a qualified relief. Favorable consideration for reversion normally is given to an officer who will have no active duty obligated service in current temporary status remaining on the requested detachment date. Approval of requests for termination of temporary appointments normally is withheld until an officer has completed:

- a. Three years active duty service in current temporary status.
- b. Two years time in grade CW03 or CW04, if serving in either grade. Time-in-grade for this purpose is computed from the date of rank for the respective grade.
- c. One year at current duty station.
- d. A normal tour, as prescribed by current regulations, when serving on shore duty in an area outside the continental United States. (For this purpose, Alaska and Hawaii are considered to be outside the continental United States.)
- e. A normal sea tour (as reflected by the officer's projected rotation date) when attached to non-rotating ships, fleet aviation units, and mobile units with homeports or permanent stations outside the continental United States. (For this purpose, Alaska and Hawaii are considered to be outside the continental United States.)
- f. The applicable tour, as prescribed above, at ultimate duty station when a reversion request is received in NPC subsequent to the date of issuance of orders or notification that orders are being issued, when such notification is within six months of the first day of the month of an officer's projected rotation date. Notification may be accomplished in person, by official letter, post card, message, or telephone. Personal or telephone notification must be followed up by official letter or message.

10.6 RELEASE OF NAVAL RESERVE OFFICERS ON ACTIVE DUTY

1. The voluntary release of reserve officers upon completion of statutory or active duty obligated service is provided for in MILPERSMAN Article 1920-090. RAD requests will be submitted to reach NPC (PERS-834) at least nine months but no more than twelve months in advance of the desired detachment date. PERS-834 will staff the request to the cognizant placement officer and detailer. If a waiver is not required the detailer is the final approval. If the detailer recommends a waiver for MSR, MTS or any obligated service incurred as a result of lateral transfer, education, training program, incentive pay, or continuation pay, the final approval rests with PERS-4. PERS-834 prepares separation orders once the request is approved.

2. Requests for extension on active duty beyond MSR are no longer required for Naval Reserve Officers. Absence of a RAD request prior to the first day of the sixth month before the month of the officer's projected rotation date (PRD) will be construed as the Officer's request to be retained beyond MSR. Officers can then be issued orders and will be obligated to no less than the minimum tour for separation (MTS) at the next duty station.

3. WITHHOLDING APPROVAL OF VOLUNTARY RELEASE FROM ACTIVE DUTY (VOLRAD)

a. Approval of a VOLRAD is normally withheld until an officer has completed applicable tour lengths and minimum tour for separation

requirements outlined in Chapter 3. VOLRAD approval may be withheld by NPC for the following reasons:

(1) Reserve officers who have not completed Minimum Tour for Separation (MTS) or Prescribed Tour Length (PTL) requirements.

(2) Reserve officers who have not completed active duty obligation incurred through participation in accession, education, medical or training programs; through augmentation or lateral transfer/redesignation between competitive categories; or who have received incentive pay, continuation pay or bonuses. Article 10.6, paragraph 5 pertains.

(3) Reserve officers are issued orders or are notified by NPC of the intent to issue orders within six months of the first day of their projected rotation dates. NPC intent to issue orders may be accomplished in person, by official letter, message or telephone. Verbal notification must be followed up by official letter or notification. These officers will be obligated to serve a minimum of the MTS at the next duty station.

b. Reserve officers are not voluntarily released from active duty without PERS-83 concurrence in any case where circumstances indicate a separation for cause under paragraph 1 of enclosure (3) to SECNAVINST 1920.6 (series) may be warranted. MILPERSMAN Article 1611-010 refers (See Article 10.9, paragraph 4).

4. Officers wishing to resign at the completion of their minimum active duty service requirement (MSR) but cannot submit their request within the submission timeline before becoming eligible for orders may submit a letter of intent (LOI). The officer must notify NPC (PERS-834) by official letter of the intent to resign at the end of the service obligation. This letter of intent must reach NPC (PERS-834) no less than six months prior to the first day of the month of an officer's PRD. The officer must also submit the actual RAD request within the time frame specified in this article (nine to twelve months prior to MSR/requested date).

5. Policy for release/retirement of TAR officers, is as follows:

RELEASE POLICY:

<u>CATEGORY</u>	<u>ACTION</u>
Any officer with less than 18 years active duty recommended for RAD by TAR Performance Review Board.	RAD (with at least 4 months notice).
Twice failed of selection LTs commissioned prior to 19 January 1961.	RAD at end of month in which initial retirement eligibility attained or retire as of the first of the following month.
Twice failed of select LTs commissioned since 19 January 1961 and more than 6 years commissioned service.	Discharge by 30 June (or later as required to provide at least 4 months notice).

Twice failed of select LCDR
(or CDR in those cases where
broken service applies)
approaching initial retirement
eligibility.

RAD at the end of the
month in which initial
retirement eligibility
is attained or retire as
of the first of the
following month.

6. SEPARATION PROGRAM DESIGNATORS. Assignment officers must use one of the following Separation Program Designators (SPDs) when preparing voluntary release from active duty orders:

MBK - Completion of required active service
MBM - Insufficient retainability
MCF - Attend school
MDB - Hardship
MDF - Pregnancy or childbirth
MDH - Dependency
MND - Miscellaneous - individual's request

10.7 INVOLUNTARY RELEASE FROM ACTIVE DUTY (IRAD) OF RESERVE OFFICERS

1. AUTHORITY: Within the limitations established by SECNAVINST 1920.6 (series), when determined to be in the best interest of the service, the Secretary of the Navy may, in those cases where no other reason for separation is set forth in SECNAVINST 1920.6 (series), release a naval reserve officer from active duty, without the requirement for the officer to be heard by a Board of Inquiry or any other formal board before the release.

2. POLICY GOVERNING INVOLUNTARY RELEASE FROM ACTIVE DUTY (IRAD): MILPERSMAN 1920-110 contains administrative policy and information for the release of Reserve officers from active duty. In general, they are released from active duty at the end of the fiscal year in which they attain retirement eligibility. If Reserve officers fail of selection to LCDR or CDR in two successive years (on the in-zone and above-zone looks), they must be retired (if eligible) or released by the first day of the seventh month after the month in which the report of the board that considered, but did not select the officer, is promulgated. LCDRs will generally be retained until initial retirement eligibility. If a Reserve officer fails to be selected for promotion to LT, he is released after his first (in-zone) look. Officers within 2 years of retirement eligibility will be retained for that period, then retired.

a. Officers on board on 30 September count against end strength. To project officer end strength accurately, N13 must be aware of changes in the status of officers leaving active duty. N13 must review any request to change a previously approved retirement, resignation, or release from active duty date when such a change will extend an officer on active duty to 30 September or beyond.

b. It is Department of the Navy policy to promote the readiness of the Naval Service by maintaining authorized strength levels in each grade and competitive category, and by maintaining the highest standards of conduct and performance in the officer corps. To meet these objectives, it is necessary for assignment officers to review individual reserve officer's competitiveness for further assignment. This review normally occurs during the detailing process and includes, but is not limited to, USNR officers requiring orders as the result of:

- (1) Projected Rotation Date (PRD).
- (2) Disapproval of a request for indefinite Extension on Active Duty.
- (3) Attrition from a training program.
- (4) Detachment for Cause (DFC).

c. Where no other reason for separation is set forth in SECNAVINST 1920.6 (series), USNR officers found non-competitive for further assignment may be proposed to SECNAV for IRAD.

3. PERS-4 PROCEDURES FOR SUBMITTING IRAD PACKAGES TO SECNAV

a. IRAD packages contain at least four pages. The first page is the cover sheet shown at Figure 10-2. The cover sheet is fastened to correspondence pertaining to the member's case. The second page contains the microfiche record (Fiche 1, 2, and 4) and the Officer Data Card. Page 3 is the member's Officer Summary Record. The fourth and additional pages, if necessary, contain any other information pertaining to the individual officer's case.

b. The following procedures will be utilized in submitting IRAD packages for SECNAV approval:

(1) Assignment Branch Heads will submit proposed IRAD packages, utilizing the form provided by PERS-451C, to PERS-834 via their respective Directors. IRAD packages proposed to expedite an officer's RAD over separation for cause procedures shall so state in the IRAD package. Any difference in separation pay between IRAD and separation for cause shall be delineated.

(a) PERS-834 will determine entitlement to separation pay and assign a recommended separation code. In those cases where the member is eligible for separation pay, a statement of service will be attached to the package.

(b) PERS-834 will then forward these packages to PERS-451 for verification of completeness and consolidation. Additionally, PERS-451 will ensure that all minority officer IRAD packages are routed to PERS-00J for their review.

(2) PERS-451 will submit a consolidated package of IRADs, via PERS-4 for CNPC signature to SECNAV.

(3) IRAD packages will be returned from SECNAV to PERS-451 for distribution to the assignment officers.

(a) Assignment officers will issue separation orders for approved IRAD packages.

(b) Assignment officers must use one of the following Separation Program Designators (SPDs) when preparing IRAD orders:

LBK - Completion of Required Active Service

LCC - Reduction in Force
LFF - Service Secretary (e.g., non-attainment of warfare qualification, school attrite)
LGJ - Denial of member's request for extension on active duty

4. PERS-8 INTERFACE IN OFFICER IRAD PROCEDURES. (See article 10.9, paragraph 4.)

5. IRAD BEFORE QUALIFICATION FOR RETIREMENT PAY. Under 10 U.S.C. 1163, a reserve officer who is on active duty and is within two years of becoming eligible for retired pay under a purely military retirement system shall not be involuntarily released from that duty before he or she becomes eligible for that pay, unless his or her release is approved by the Secretary upon processing for separation for cause.

6. NOTIFICATION OF PROPOSAL FOR IRAD. Upon a director's recommendation for IRAD, detailers are responsible for notifying officers that they have been proposed to the Secretary of the Navy for IRAD.

10.8 EXTENSION ON ACTIVE DUTY OF OFFICERS WITH SECNAV APPROVED RETIREMENTS OR RESIGNATIONS

1. The extension on active duty of an officer with a SECNAV approved retirement or resignation date is prohibited except to preclude gapping of a critical operational billet or for hardship. Extensions beyond SECNAV approved separation dates require division director approval. Approved requests for extensions must be substantiated with appropriate documentation.

2. OFFICERS ON BOARD ON 30 SEPTEMBER COUNT AGAINST END STRENGTH. To project officer end strength accurately, N131 must be aware of changes in the status of officers leaving active duty. N131 must review any request to change a previously approved retirement, resignation or release from active duty date when such a change will extend an officer on active duty to 30 September or beyond.

3. EXTENDED PERIOD OF SERVICE FOR PREGNANT MEMBERS AND DEPENDENT WIVES

a. POLICY. See MILPERSMAN 1331-010 paragraph 3.

b. Processing Procedures

(1) Action on each request for extension on active duty is coordinated by the cognizant assignment officer. If the request meets the standard criteria of this article, final approval is made by the assignment branch head. Recommendations for disapproval or requests that do not meet the standard criteria are forwarded to assignment directors for final action.

(2) If the request is approved, the officer normally is extended in his/her present tour. Except in rare cases, PCS moves are not be authorized. The "estimated loss code" for officers extended under this program is "J."

10.9 INVOLUNTARY SEPARATIONS

1. DEFINITION. Separation is a general term which includes discharge, dismissal, dropping from the rolls, revocation of an appointment or

commission, termination of an appointment, or Release from Active Duty (RAD).

2. AUTHORITY. SECNAVINST 1920.6 (series) is the governing instruction for all officer administrative separations.

3. Officers who do not maintain required standards of performance or professional/personal conduct may be disciplined and/or processed for separation for cause. SECNAVINST 1920.6(series) provides guidance when there is reason to believe that one or more of the following circumstances exist:

- a. Substandard Performance of Duty.
- b. Misconduct, Moral or Professional Dereliction.
- c. Retention is not consistent with the Interests of the National Security.
- d. Separation in Lieu of Trial by Court Martial. SECNAVINST 1920.6(series) guidance is not intended to preclude trial by court-martial when appropriate.

4. PERS-8 INTERFACE, IN THE SEPARATION PROCESS

a. PERS-83 is specifically charged with monitoring the professional performance and conduct of all Naval Officers O-6 and below and will, when appropriate, under the provisions of SECNAVINST 1920.6 (series), initiate separation for cause processing in cases where performance or conduct of officers falls below acceptable standards.

b. Action

(1) If, during separation processing and/or staffing within PERS-4 (RAD, RESIG, or Retirement), information is received which indicates an officer's performance, professional, or personal conduct may warrant processing for separation for cause, that information must be forwarded to PERS-83 for resolution prior to proceeding with the originally proposed separation. This information can include, but is not limited to:

- (a) Commanding Officer's NJP.
- (b) Specific recommendation for discharge versus RAD.
- (c) Loss of security clearance.
- (d) Detachment for cause.
- (f) Attrition from a training program or course of instruction as the result of disciplinary action.

NOTE 1: Proposed RAD/IRAD of Officers who fail to complete a course of instruction/training program (including warfare qualification) despite honest effort does not require PERS-83 review.

NOTE 2: Only PERS-83 has authority to initiate separations for cause. If PERS-83 review determines that a separation for cause is warranted, PERS-83

shall initiate processing. When PERS-83 review has determined that a separation for cause is not warranted, staffing sheets shall be annotated accordingly. Assignment divisions may then proceed with the originally proposed separation.

5. All Commanding Officers/Officers-in-Charge are required to notify disbursing officer within 24 hours of receiving notification of BUPERS decision to involuntarily separate. Notification will include reason for separation and anticipated separation date.

6. The Separation and Reenlistment Guide contained in Appendix A of the Enlisted Transfer Manual (NAVPERS 15909F) has information relative to officer and enlisted separations. Article A1.06 is a Guide to Separation and Out-Processing to be used for all personnel separating or retiring from the Navy. This guide provides important steps and procedures to follow to help reduce potential errors that may have a detrimental effect on a members future.

7. REMOVAL OF ECCLESIASTICAL ENDORSEMENT

a. Officers on the active duty list in the Chaplain Corps who can no longer continue professional service as a chaplain because an ecclesiastical endorsing agency has withdrawn its endorsement of the officer's continuation on active duty as a chaplain, shall be processed for separation in accordance with SECNAVINSTs 1900.10 and 1920.6 (series).

b. Processing for the removal of ecclesiastical endorsement is not authorized when there is reason to process for separation for cause under any other provision of SECNAVINST 1920.6 (series), except when authorized by the Secretary in unusual circumstances based upon a recommendation by the Chief of Naval Personnel.

10.10 INVOLUNTARY SEPARATION DUE TO FAILURE TO SELECT FOR PROMOTION

1. It is Department of the Navy policy to retain competent and effective officers who satisfy the authorized strength needs by grade, competitive category, or special skills authorized by CNO. However, some officers, who may be less qualified to fill skill needs, must be separated by reason of failure of selection for promotion. PERS-80 is responsible for the preparation of appropriate letters notifying these officers of their status and their entitlements, and for preparing their NPC separation orders. Copies of correspondence will be maintained by PERS-80. Upon updating of promotion history in the Officer Master File, PERS-80 assumes both placement and assignment responsibilities for officers who twice fail to select and:

a. Coordinates action with all concerned in the case of officers who are under PCS orders.

b. Enters ELDs and Separation Reason Code "K" via PERS-80's OAIS2 terminal.

c. Coordinates early separation requests with both placement officer and detailer.

d. Coordinates retention board requests from Reserve officers with all interested parties.

e. Prepares separation orders and maintains copies for two years.

f. Coordinates reserve appointment requests from regular officers. Specific guidance concerning twice failed of select officers is presented in SECNAVINST 1920.6(series).

2. REGULAR OFFICERS. Title 10, U.S. Code (USC) governs the status of regular officers (line and staff corps) who twice fail of selection for promotion. The only deviations allowed are cases where medical authorities determine the officer is not physically qualified for discharge or when charges have been referred to court martial.

a. SANCTUARY. Per Federal Statutes (10 U.S.C. 637 and 1163), regular and reserve officers who are, on the date on which they are to be discharged, within two years of becoming eligible for retired pay under Title 10, USC, 6323, or any retirement law, may not be involuntarily separated before they become eligible for that pay unless their separation is approved by the Secretary of the Navy, or sooner discharged or retired for cause under the provisions of SECNAVINST 1920.6(series). Sanctuary does not apply to the Temporary Early Retirement Act (TERA).

b. Placement and assignment officers will refer all inquiries of retention of these individuals (written and verbal) to PERS-80 before any action is initiated. In no case will a commitment be made to these officers without concurrence of PERS-4. A copy of the final approval/disapproval letters on retention requests will be furnished to appropriate assignment and placement officers by PERS-80.

c. LIEUTENANTS AND LIEUTENANTS JUNIOR GRADE. Under Title 10, USC, Section 631 and 632, LTs and LTJGs will be honorably discharged on a date requested by the officer, but by the first day of the seventh calendar month beginning after the month the report of the promotion selection board that considered them for the second time was approved by the Secretary of the Navy. The current Officer Grade Continuation Plan approved by the Secretary of the Navy does not provide for continuation of any regular LTs or LTJGs. These officers may be entitled to separation pay computed per SECNAVINST 1900.7 (series).

d. LIEUTENANT COMMANDERS

(1) A Pre-DOPMA Officer is any officer who was selected or promoted by a promotion board before 15 September 1981. Title 10 U. S. Code Section 613 refers. Pre-DOPMA LCDRs who twice fail to select for promotion to CDR are "grandfathered" from the provisions of DOPMA and retire under the laws in effect prior to the enactment of DOPMA. They are guaranteed 20 years of total COMMISSIONED service. They do not need to go before a continuation board to remain on active duty until they are retirement eligible.

(2) A DOPMA Officer is:

(a) Any officer who is selected and promoted by a promotion board on or after 15 September 1981 (effective date of DOPMA) or

(b) Any officer who transferred to the Regular Navy after 15 September 1981. This officer is DOPMA regardless of his LCDR date of rank.

(3) DOPMA LCDRs who twice fail to select for promotion to CDR must be discharged or, if eligible, retired. They must be honorably

discharged on a date requested by the officer, but by the first day of the seventh calendar month beginning after the month the report of the promotion selection board that considered them for the second time was approved by the Secretary of the Navy. These officers may be entitled to separation pay computed per SECNAVINST 1900.7 (series). By law these officers, subject to the needs of the service, may be continued on active duty. The categories of officers to be considered for continuation and the period of continuation are determined by the Secretary of the Navy in the Officer Grade Continuation Plan. Current Navy policy for DOPMA officers is as follows:

(a) LCDRs who will be within six years of retirement eligibility on the date they are subject to discharge, shall normally be recommended for continuation until they are retirement eligible.

(b) LCDRs who will not be within six years of retirement eligibility on the date they are subject to discharge, may be incrementally continued (for example, three year periods).

(c) LCDRs who are retirement eligible (20 years active duty including 10 years commissioned service) are not currently included in the plan to be continued.

(d) After being continued, these officers are eligible before promotion boards because they are on the active duty list.

e. COMMANDERS. Unless selectively continued to meet requirements in their competitive category, CDRs shall be involuntarily retired on the first day of the month after the month in which they complete 28 years of active commissioned service or reach age 62, whichever occurs first. See paragraphs 13 through 15 of article 10.2 in this chapter.

f. CAPTAINS. Unless selectively continued to meet requirements in their competitive category, CAPTs shall be involuntarily retired on the first day of the month after the month in which they complete 30 years of active commissioned service or reach age 62, whichever occurs first. See paragraphs 13 through 15 of article 10.2 in this chapter.

g. CONTINUATION ON ACTIVE DUTY. SECNAV may convene selection boards to recommend regular commissioned officers for continuation on active duty past their statutory retirement or involuntary discharge date. SECNAVINST 1920.7(series) applies.

h. REQUIREMENT FOR RESERVE COMMISSION. Officers who are subject to discharge due to failure of selection and are eligible for separation pay in accordance with SECNAVINST 1900.7 (series) are required to incur a naval reserve obligation for a minimum of 36 months. If eligible, reserve officers not on the active duty list will be considered for promotion by inactive selection boards and may apply for recall to active duty. The Naval Reserve Career Information Book contains additional information.

3. RESERVE OFFICERS. Reserve officers in the grade of CDR and below who twice fail of selection for promotion to a higher grade will be involuntarily released from active duty. Release will be no later than the first day of the seventh calendar month beginning after the report of the selection board which considered the officer for the second time is approved. SECNAVINST 1920.6(series) and MILPERSMAN 1920-110 contain policy guidance. Officers may request retention on active duty through the administrative Retention Board

convened by the Chief of Naval Personnel. Retention criteria are based on a need for that officer's specific skills and unique qualifications.

a. Reserve CAPTs who twice fail to select shall:

(1) Be given an opportunity to request transfer to the Retired Reserve if qualified;

(2) Be released from active duty at the end of their current obligation (PRD) unless retained through the administrative Retention Board; or

(3) Be discharged on the first day of the month following the month in which the officer completes 30 years total commissioned service (active and inactive) in accordance with Title 10, USC, 6389.

b. Generally, a reserve officer who is within two years of qualifying for retirement under Title 10, USC, 6323, 1332, or any purely military retirement system, may not be involuntarily released from active duty before he or she becomes eligible for that pay, except when separated for cause. SECNAVINST 1920.6(series) applies.

c. Failure of Selection for Promotion (Reserve Officers above the Grade of CW04)

(1) IN THE GRADES OF O-5 AND BELOW. Unless retained on active duty by Retention Board action, member is involuntarily released from active duty on a date requested by the officer consistent with service needs, but not later than the first day of the seventh month following the month in which the Secretary of the Navy approved the report of the selection board which failed the officer for the second time. PERS-80 has responsibility for coordinating the actions required to notify all concerned of member's status and preparing appropriate letters of notification and release from active duty orders. Member is normally entitled to separation pay.

(2) IN THE GRADE OF O-6. Unless member is approved for retention on active duty by Retention Board action, member is involuntarily released from active duty at the end of his or her current obligation; may request transfer to the retired reserve if qualified; or is discharged on the first day of the month following the month in which the officer completes 30 years total commissioned service under 10 USC 6389. PERS-80 has responsibility for coordinating the necessary actions required to notify all concerned of member's status and preparing release from active duty orders. Member may be entitled to separation pay.

d. LIMITED DUTY OFFICERS AND CHIEF WARRANT OFFICERS. SECNAVINST 1920.6(series) contains guidance for the involuntary separation of Limited Duty Officers (LDOs) and Chief Warrant Officers (CWOs).

e. TRAINING AND ADMINISTRATION OF RESERVE (TAR) OFFICERS. Refer to SECNAVINST 1920.6(series) for specific policy regarding TAR officer separations.

4. TEMPORARY OFFICERS AND TEMPORARY CHIEF WARRANT OFFICERS

a. TEMPORARY OFFICERS. MILPERSMAN 1001-090 contains the administrative policy for the involuntary retirement/reversion of temporary

officers.

(1) Present policy specifies that temporary officers in the grades of ENS and above whose permanent status is warrant or enlisted grade, if twice fail of select for promotion to the next higher grade, unless the needs of the service otherwise require, shall:

(a) If eligible for retirement under 10 USC 6323, be afforded the option of retirement in the grade then held or reversion to their permanent status by the first day of the seventh calendar month beginning after the month in when the report of the board is approved.

(b) If within 2 years of attaining eligibility for retirement, be retained on active duty in present grade until eligible for such retirement.

(c) If not within two years of attaining eligibility for retirement, be separated by the first day of the seventh calendar month beginning after the month when the report of the board is approved.

(2) PERS-80 is responsible for the preparation of appropriate letters notifying the officers of their status and for issuance of appropriate NPC orders terminating their temporary appointment and reverting them to their permanent status. A copy of all letters of notification will be maintained by PERS-80.

b. Disposition of Temporary Officers and Temporary Warrant Officers Having Permanent Enlisted Status Upon Completion of 30 Years of Service

(1) Laws governing tenure of service for permanent officers in general provide for statutory retirement upon completion of 30 years of service. Since no similar provisions of law exist requiring the involuntary retirement of temporary officers, those provisions of law applicable to permanent officers have, insofar as possible, been made administratively applicable to temporary officers. Therefore, upon completion of 30 years of service, the appointments of temporary officers will normally be terminated. If eligible, these officers will be afforded the option of voluntary retirement in lieu of termination of their temporary appointments. In practically all cases, the individual concerned will request retirement in officer status rather than accept reversion to permanent enlisted rating and be discharged.

(2) Computation of service to establish the reversion or retirement date will be as follows:

(a) ENS and above (Based on 10 USC 6383 - Law applicable to statutory service retirement of officers designated for limited duty). Reversion/retirement date shall be on the last day of the month following the month of completion of 30 years of active naval service, exclusive of active duty for training in a reserve component.

(b) Warrant officers (Based on 10 USC 1305 - Law applicable to statutory service retirement of permanent regular warrant officers). Reversion/retirement date shall be 60 days after completion of 30 years of active service (which includes all active military service and active duty for training).

(c) Non-disability retirements will be effective the first day of the month; reversions the last day of the month.

d. INVOLUNTARY TERMINATION OF TEMPORARY APPOINTMENTS. Section 5596, Title 10, U.S. Code, provides for the issuance of temporary appointments. Subsection (e) of this section also provides that the Secretary of the Navy may terminate any appointment made under that section of law. PERS-8 has the responsibility for coordinating the necessary actions required for the involuntary termination of temporary officer appointments, with PERS-80 preparing appropriate NPC orders effecting the termination.

e. OFFICERS REQUESTING CONTINUATION

(1) Any request received from a temporary officer for retention on active duty beyond the date he or she is scheduled for involuntary release because of twice failed of selection or completion of 30 years of active service shall be sent to PERS-80 for consideration by the Continuation Board.

(2) Officers who are offered continuation by the Continuation Board must either accept the full continuation period offered or decline continuation. Those who decline continuation will be eligible for separation pay.

(3) Officers who accept continuation and then submit their desire to be separated prior to their continuation date or who request resignation, will be considered as a voluntary resignation and will not be eligible for separation pay.

f. WITHIN TWO YEARS OF RETIREMENT ELIGIBILITY. MILPERSMAN 1100-060 provides that temporary officers who are within two years of attaining retirement eligibility on the first day of the month following the month in which the Secretary of the Navy approves the report of the Selection Board which failed the officer for the second time, shall be retained on active duty in present grade, subject to the needs of the service and at the discretion of CNPC, until eligible for such retirement. This does not apply to TERA.

g. Policy for release/retirement of reserve and regular officers on active duty, as promulgated by PERS-82, is as follows:

<u>CATEGORY</u>	<u>ACTION</u>
USNR officers (CAPT and below) subject to release pursuant to MILPERSMAN 1920-110 (excluding TARs).	Release.
Retired officers (CAPT and below on active duty scheduled for release).	Release.
USN/USNR officers who have twice failed of selection and who are within two years of attaining retirement eligibility on 30 June.	Retain in current assignment if performance is satisfactory

USN officers scheduled for statutory Retire.
retirement and retirement-eligible USNR
officers.

10.11 INVOLUNTARY SEPARATION OF OFFICERS WITH SEPARATION PAY

1. REGULAR OFFICERS. Officers being involuntarily released or discharged under honorable conditions who have at least six years of active service but have not reached retirement eligibility, are eligible for lump sum separation pay in accordance with Title 10, USC, Section 1174. Separation pay is computed as follows: ten percent of the product of Years of Active Service (YOAS) times 12 months' basic pay (10% x YOAS x 12 MBP).

2. LIMITED DUTY OFFICERS AND CHIEF WARRANT OFFICERS. SECNAVINST 1920.6(series) contains specific guidance concerning twice failed of select permanent or temporary LDOs and CWOs. NPC (PERS-80) is responsible for notification of officers subject to retirement, discharge, reversion, appointment or reappointment for failure to select and processes all such cases. SECNAVINST 1900.7(series) establishes policies and procedures for separation pay.

3. RESERVE OFFICERS. NPC (PERS-80) is responsible for determining eligibility for separation pay for reserve officers Involuntarily Released from Active Duty. Normally, reserve officers with at least six years active duty (officer or enlisted) who meet the eligibility requirements contained in SECNAVINST 1900.7(series) are entitled to separation pay.

a. SPECIAL ENTITLEMENT AND COMPUTATION OF PAY. The separation pay law provides that a member of a reserve component who is involuntarily released from active duty after having completed at least five years of active duty as either an officer, warrant officer, or enlisted person, is entitled to lump-sum separation payment computed on the basis of 10% times years of active service times 12 months' base pay. However, the separation payment of a member who is being separated for cause shall be computed on a maximum of \$15,000. To determine years of active military service for use in computing separation pay, count each full month of service that is in addition to the number of full years of creditable service as 1/12 of a year. Disregard any remaining fractional part of a month.

b. PERSONS NOT ENTITLED TO PAYMENT. The following persons are not entitled to separation payments:

(1) Persons who are released from active duty at their own request.

(2) Persons who are released from active duty for training.

(3) Under regulations prescribed by the Secretary of Defense or by the Secretary of Transportation with respect to members of the Coast Guard when operating as a service in the Navy, persons who are released from active duty because of moral or professional dereliction (see SECNAVINST 1900.7).

(4) Persons who upon release from active duty are immediately eligible for retired pay or retainer pay based entirely on their military service under any provision of law.

c. OTHER RETIREMENT BENEFITS. A member of a reserve component who

has received a separation payment and who qualifies for retired pay under any provision of Title 10, US Code, that authorizes his or her retirement upon completion of 20 years active service, may receive that pay subject to the immediate deduction from that pay of an amount equal the amount of the separation payment, without interest.

d. Release of personnel whose determined eligibility for separation pay has been reversed or increased by any means requires PERS-4 approval. Assignment officers will utilize figure 10-5 for staffing.

10.12 SPECIAL SEPARATIONS

1. HUMANITARIAN SEPARATIONS. Officers who desire separation at the convenience of the government by reason of dependency or hardship should submit a resignation or release from active duty request as appropriate. Only those requests that have been determined by the cognizant Division Director to meet the hardship criteria will be forwarded to PERS-4 for approval. The officer's request must include the submission of the hardship and documentation as outlined in chapter 5 art 42.7a and MILPERSMAN 1910-200 for separation of enlisted personnel on the basis of dependency or hardship.

2. PREGNANCY SEPARATIONS. Policies governing the separation of officers at the convenience of the government by reason of pregnancy or childbirth are set forth in MILPERSMAN 1920-180.

10.13 RESIGNATIONS, VOLUNTARY RETIREMENTS, OR VOLUNTARY RELEASES FROM ACTIVE DUTY PRIOR TO COMPLETION OF APPLICABLE TOUR LENGTH

1. Resignations, voluntary retirements and Voluntary Releases from Active Duty (VOLRADs) are deferred until an officer completes the minimum specified time at the present duty station - whether it be the Minimum Tour for Separation (MTS) or the Prescribed Tour Length (PTL) set by SECNAV for sea duty assignments and by DoD for all others as provided in chapters three and four of this manual.

2. Following a reassignment involving cost PCS orders, three categories are established for consideration of voluntary resignation, retirement/RAD requests.

a. Prior to MTS - requires extraordinary humanitarian reasons for waiver submission and waiver approval.

b. Greater than MTS but less than PTL "window" - the earliest period at which time an officer can be considered for resignation/retirement for other than humanitarian reasons.

c. At Prescribed Tour Length - requirements have been met; the latest time (excluding member initiated extensions) which must be served, provided other service obligated times are met.

3. Recommendations for humanitarian separation prior to MTS completion are based solely upon occurrence of urgent, severe humanitarian justification. Recommendations for resignation/retirement during the MTS-PTL window are made only when the strongest justification exists. In either case, waiver approval is required if the requested date is prior to completion of PTL. Considerations for retirement/resignation approval include:

a. Ability of the affected community to sustain loss of available manpower. Decisions to curtail prescribed tours in communities where manning shortfalls exist are viewed with the strongest scrutiny.

b. Completion of Time-On-Station or Overseas DoD Area Tour. Division directors/assignment officers deny retirement/resignation requests which would result in transfer prior to completion of the DoD/SECNAV Prescribed Tour Lengths unless circumstances clearly substantiate a waiver.

c. Availability and efficient use of PCS funds. PERS-45 has been directed to monitor the number of early retirement/resignation waivers submitted versus PCS funds expended. Where inordinate levels of early retirements/resignations are identified, PCS funding levels are reexamined.

4. WAIVERS. All requests for voluntary retirement/resignation/RAD (regardless of when the orders were written or their stated tour length) must meet the tour length criteria of chapters three and four or have the appropriate waiver.

5. MINIMUM SERVICE REQUIREMENT (MSR) WAIVER PROCEDURES

a. Any obligation to remain on active duty, however incurred (e.g., commissioning source, flight training, PG school, bonus pay incentives or execution of PCS orders), must be satisfied or waived before a voluntary resignation, retirement, or release from active duty may be approved. With the exception of certain strictly defined VOLRADs (see article 10.6), Secretary of the Navy is the approval authority for all officer separations.

b. A request for voluntary separation prior to completion of MSR requires a waiver of the active duty obligated service incurred as the result of either (1) an approved voluntary extension of active duty for a USNR officer, or (2) notification of orders for a USN officer unless either a letter of intent or retirement or resignation request had been submitted. An Obligated Service Waiver request is used in conjunction with waiver procedures contained in article 10.1, paragraph 8 and article 10.6. Retirements which also require a waiver of active duty obligated service follow the procedures utilized for resignations (paragraph 8 of article 10.1). All waiver requests that are recommended for approval at the division director level are routed to PERS-45 for record purposes and for further routing/approval. Disapprovals do not require concurrence by a higher authority and are returned to PERS-82/83.

c. Officers' requests for separation prior to completion of the PTL but after MTS has been completed only need cognizant division director approval or as delegated.

d. PTL must be met or the appropriate time-on-station and DoD overseas curtailment waivers must be completed prior to issuance of cost PCS orders. However, a time-on-station waiver is not required for separation orders.

e. It is an assignment officer's responsibility to determine if the MTS and PTL criteria have been met. If a request for resignation/retirement/RAD requires a waiver and there is sufficient justification to support approval, the assignment officer requests the appropriate waiver. The resignation/retirement package is not forwarded

until the waiver is approved. Disapproval authority for resignation/retirement/RAD requests, if disapproval is based upon an incomplete MSR, is delegated to PERS-4. A PERS-4 disapproval forwarded to PERS-82/83 results in denial of the resignation/retirement request.

10.14 HOME OF SELECTION

1. DEFINITION. JFTR, Volume 1, Appendix A, states: The term "Home of Selection," as used in these regulations, means the place selected by a member as the actual and continuous home upon retirement (including transfer to the Fleet Reserve or Fleet Marine Corps Reserve), discharge with severance or separation pay, placement on the TDRL, or involuntary release to inactive duty with readjustment pay under the conditions outlined in JFTR, para. U5130-A1 (Note: See below for discussion of JFTR, para. U5130-A1). In accordance with Public Law 97-60, 1 November 1981, home of selection to a location outside of the continental United States is limited to those retiring members who: (1) had completed 18 or more years of active service as of 1 October 1981 or (2) those members whose home of record or place of entry was outside CONUS at the time of initial entry on active duty.

2. TRAVEL TO HOME OF SELECTION AUTHORIZED. JFTR, para. U5130-A1, states that a member on active duty may select his/her home and receive travel allowances from the last duty station when the member:

a. Is retired for physical disability or placed on the TDRL (without regard to length of service); or

b. Immediately following at least eight years of continuous active duty (with no single break therein of more than 90 days) is retired with pay for any other reason (including transfer to the Fleet Reserve or Fleet Marine Corps Reserve), is discharged with severance pay, or is involuntarily released to inactive duty with readjustment pay.

c. Is involuntarily separated from active duty during the period between 1 Oct 90 and 30 Sep 99 (without regard to length of service).

3. HOME OF SELECTION FOR RESERVE OFFICERS INVOLUNTARILY RELEASED FROM ACTIVE DUTY WITH READJUSTMENT PAY. Paragraph U5130-A1, Item D, of the JFTR, authorizes naval reserve officers to travel to home of selection upon their involuntary release from active duty with readjustment or separation pay, provided they have at least eight years of continuous active duty (with no single break therein of more than 90 days). To implement the provisions of paragraph U5130-A1, Item B, JFTR, the following action will be taken in the case of naval reserve officers with at least eight years of continuous active duty who are scheduled for involuntary release from active duty with readjustment pay.

a. Assignment officers will request a statement of service from PERS-312. Attach a copy of the statement of service to the order memorandum and enter the following statement on the rough memorandum or other nomination: Involuntary Release: at least 8 years continuous active duty.

b. Placement officers will staple statement of service and completed home of record form obtained from PERS-312 should the statement of service fail to show the officer's home of record, and transcribe the above statement under item 2 on the smooth order memorandum.

4. TRAVEL TO HOME OF SELECTION NOT AUTHORIZED. JFTR, para. U5130-A2, precludes selecting a home for a member on active duty:

- a. Who is retired without pay;
- b. Who has less than eight years of continuous duty immediately preceding retirement for any reason (other than physical disability or involuntary separation from active duty during the period between 1 Oct 90 and 30 Sep 99);
- c. Who is discharged with severance pay (and has less than 8 years of continuous active duty except as provided in paragraph 2c);
- d. Who is involuntarily released to inactive duty with readjustment pay (and has less than 8 years of continuous active duty except as provided in paragraph 2c or based upon separated under VSI or SSB Program during the period 5 Dec 91 through 30 Sep 99). (See JFTR, par. U5130-A2)

5. TIME LIMITATION TO SELECT A HOME. JFTR, paragraph. U5130-B, provides a general time limitation of one year for selecting a home and completing travel following termination of active duty, except where the member is undergoing hospitalization, medical treatment, education or training on the date of termination of active service. A member who is confined, undergoes treatment or commences education or training (in order to qualify for acceptable civilian employment) during the one-year period subsequent to the date of termination of active service may have this period extended to equal the member's hospitalization, treatment, education, or training. A member entitled to travel to a home of selection under provisions of JFTR, para. U5130-A1, who desires an extension of the time limit under provisions of JFTR, para. U5130-B, may submit a request in person or in writing to their local personal property transportation office. Requests should include DD-214, final travel voucher/claim and other supporting documentation (i.e., transcript, medical report, etc). See JFTR, para. U5230, for travel of dependents of members who are authorized to travel to a home of selection.

6. RECALL TO ACTIVE DUTY PRIOR TO SELECTION OF A HOME. A member entitled to select a home but recalled to active duty prior to making the selection may, upon subsequent termination of active duty for any reason under honorable conditions, select a home, provided that travel is performed to the selected home within one year after last release from active duty. (See JFTR, para. U5130-C.)

7. RECALL TO ACTIVE DUTY SUBSEQUENT TO A SELECTION OF A HOME. A member recalled to active duty subsequent to the selection of a home will, upon termination of active duty under honorable conditions, be entitled to travel and transportation allowances from last duty station to the home previously selected or to the place from which called to active duty. (See JFTR, para. U5130-D.)

8. POLICY ON ASSIGNMENT TO A NAVAL ACTIVITY IN THE VICINITY OF "HOME OF SELECTION" PRIOR TO RETIREMENT. Frequently an officer will request assignment in or near the area where he or she intends to reside after retirement, or request to be processed for separation incident to retirement at a naval activity near that area. Officers whose date of retirement will provide for a tour of at least one year in the area are approved if a billet exists in that area. When the needs of the service dictate, he/she may be moved to a final duty station where a billet exists for which the member is

qualified, if the period remaining equals or exceeds a total of three months.

a. Comptroller General Decision 42 COMP GEN 187 (1962) (B-149558, 1 October 1962) held that a member may not select a place of separation based on its nearness to his/her future home following retirement, transfer to the Fleet Reserve, discharge, or RAD. The Comptroller General held in this decision that orders based on such a selection of place of separation are permissive orders and no entitlements accrue.

b. In view of this, the following action is taken in cases of prospective retirement. If conditions permit, the officer is employed at current duty station until retirement. Where movement is appropriate or necessary, the available courses of action are:

(1) Transfer to nearest port of entry from overseas for final separation and selection of home.

(2) Order under PCS directive-type orders to station near prospective home of selection where the public interest is served by doing so, and where prospective tour at the new station equals or exceeds three months. These orders specify "duty" and do not contain any reference to home of selection or retirement.

10.15 INCLUSION OF SEPARATION CODE DATA IN SEPARATION ORDERS

1. BUPERINST 1900.8 (series) outlines detailed instructions for the preparation of DD Form 214 (Armed Forces of the US Report of Transfer or Discharge) and requires the separation reason code be identified to the detaching command at the time separation orders are issued. To ensure the separation activity is provided the proper reason for separation, the following action is required:

a. OFFICES ORIGINATING THE SEPARATION ORDER. Clearly indicate appropriate separation code in the appropriate block (#0170) in the Officer Assignment Document (OAD) or in OAIS at the bottom of screen 1. Care must be used in selecting the appropriate separation code from NAVMILPERSCOMINST 1900.8 (series).

(1) ELECTRONIC ORDERS. A separate message addressed to the separation activity or its Personnel Support Detachment is printed with the separation code identified by the OAD or screen 1. It will have a DTG# separate from the separation order and be processed at the same time.

(2) MANUAL ORDERS (PREPARED IN PERS-455). A separate message addressed to the separation activity or its Personnel Support Detachment is manually typed at the same time the separation order is typed. It will have a DTG# assigned separately from the separation orders and, in most cases, is forwarded to the communications office at the same time as the separation message order.

b. ORDER PROCESSING BRANCH

(1) Orderwriting adds the following paragraph to message separation orders:

"Related subject not for quotation or transcription in separation documents retained by off. Enter only on DD Form 214N copy two per

NAVOP 46/74. If SEPROS not at your CMD off will carry copy this msg in an envelope addressed to separation acty. This msg will not be retained by off after compl SEPROS." Enter across block 27, copy two: "These orders - _____ code."

(2) Letter separation orders have attached a cover letter addressed to the command providing the separation code information. This letter is prepared by placement officers.

10.16 PCS TRAVEL INFORMATION

Commands resigning, retiring, separating or terminating personnel from active duty for any reason, are responsible for ensuring that the member completes the NAVPERS 7041/1 Travel Information Form as required by BUPERINST 7040.6 or 7040.7 as applicable. The completed form will be mailed to:

Director
Navy Family Allowance Activity (PCSVAD)
Anthony J. Celebrezze Federal Building
Cleveland, Ohio 44199

PASS/PERS servicing offices will provide necessary forms and counseling and will ensure accurate and timely submission of the travel information.